

REMARKS

In accordance with the foregoing, the specification and claims 1, 3, 5, 6, 14, 15, 17, 18, 23-25, 28, 30, 32, 33, 35, and 36 have been amended, claims 19, 34, 37, and 38 have been canceled without prejudice or disclaimer, and new claims 39-44 have been added. Claims 1, 3, 5-7, 10, 11, 14, 15, 17, 18, 20-25, 28-33, 35, 36, and 39-44 are pending, with claims 1, 14, 23, 25, 32, and 35 being independent. No new matter is presented in this Amendment Accompanying Request for Continued Examination. No additional claim fee is required to file this Amendment Accompanying Request for Continued Examination.

Entry of Amendment After Final Rejection

Please enter the Amendment After Final Rejection of September 30, 2010.

Information Disclosure Statement

Attached hereto are an Information Disclosure Statement listing KR 2003-27672 A, and a copy of this reference (including an English abstract). This reference is a publication of Korean Patent Application No. 2002-57393 cited in paragraphs [0047] and [0069] of the specification of the present application.

US 2003/0049017 A1 cited in the Information Disclosure Statement of June 17, 2004, is a U.S. counterpart of KR 2003-27672 A based on the fact that both US 2003/0049017 A1 and KR 2003-27672 A claim the benefit of Korean Patent Application Nos. 2001-60137 and 2001-65393 as can be seen from the first pages of US 2003/0049017 A1 and KR 2003-27672 A.

Claim Rejections Under 35 USC 103

Rejection 1

Claims 1, 3, and 5-7 have been rejected under 35 USC 103(a) as being unpatentable over Kanazawa et al. (Kanazawa) (U.S. Patent No. 6,580,870) in view of Jones et al. (Jones) and Lamkin et al. '021 (Lamkin '021) (U.S. Patent No. 7,448,021). This rejection is respectfully traversed.

Claim 1

It is submitted that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the following feature now recited in independent claim 1:

wherein the control information comprises an application program interface (API) that generates a report signal to determine a buffering state of the markup document, and generates a return value capable of having any of three values, the return value having a first value if the markup document has been successfully preloaded into the buffer, a second value if the markup document cannot be read due to an error, and a third value if the markup document is being read.

It is submitted that the above feature is supported at least by paragraph [0082], page 19, line 16, through page 20, line 8, and paragraphs [0085]-[0087] of the specification, and FIGS. 13-17.

Paragraph [0068], lines 1-7, of Jones states as follows:

When the preloader resumes preloading resources, it may determine that one or more resources that it was going to preload were loaded by the application or an in-app preloader (block 1060). The preloader may make this determination by checking a cache, memory, a file system I/O API, or some other location, to see if the file is already located local to the client.

The Office considers the file system I/O API referred to in the above passage of Jones to correspond to the "application program interface (API)" recited in claim 1. During the telephone interview conducted on September 14, 2010, the Examiner stated that in his opinion, the preloader referred to in the above passage of Jones would call the file system I/O API, and the file system I/O API generated a return value indicating whether the file is already located local to the client. Thus, it appears that the return value allegedly generated by Jones' file system I/O API is capable of having only two values, a first value indicating that the file is already located local to the client, and a second value indicating that the file is not already located local to the client.

Accordingly, it is submitted that Jones' file system I/O API does not generate "a return value capable of having any of three values, the return value having a first value if the markup document has been successfully preloaded into the buffer, a second value if the markup

document cannot be read due to an error, and a third value if the markup document is being read" as now recited in claim 1. Furthermore, it is submitted that Jones' preloader also does not generate such a return value. Furthermore, it is submitted that no other portion of Jones discloses or suggests generating such a return value, and that Kanazawa and Lamkin '021 do not disclose or suggest generating such a return value.

Furthermore, it is submitted that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the following feature now recited in claim 1:

the apparatus uses the return value generated by the API
to verify whether the markup document has been successfully
preloaded into the buffer, whether the markup document cannot be
read due to an error, and whether the markup document is being
read.

The Office considers the client 1205 in FIG. 12 of Jones to correspond to the "apparatus" recited in claim 1. However, it is submitted that the client 1205 does not use the return value allegedly generated by Jones' file system I/O API for any purpose. Rather, it is submitted that Jones' preloader uses the return value allegedly generated by the file system I/O API. Accordingly, it is submitted that Jones does not teach the above feature of claim 1.

Conclusion—Rejection 1

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1, 3, and 5-7 (i.e., claim 1 discussed above and claims 3 and 5-7 depending directly or indirectly from claim 1) under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones and Lamkin '021 be withdrawn.

Rejection 2

Claims 10 and 11 have been rejected under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones, Lamkin '021, and Collart (U.S. Patent Application Publication No. 2002/0088011). This rejection is respectfully traversed.

Although the Office has referred to U.S. Patent Application Publication No. 2002/0088011 as "Collart," it is noted that Collart is the second-listed inventor. The first-listed inventor is

Lamkin, and since the standard practice is to refer to a reference by the last name of the first-listed inventor, it is submitted that the Office should have referred to U.S. Patent Application Publication No. 2002/0088011 as "Lamkin '011" (to distinguish it from Lamkin '021), rather than "Collart." However, since the Office has referred to this reference as "Collart," the applicants will also refer to this reference as "Collart."

Although the propriety of this rejection is not conceded, it is submitted that claims 10 and 11 depending from claim 1 are patentable over Kanazawa, Jones, Lamkin '021, and Collart for at least the same reasons discussed above that claim 1 is patentable over Kanazawa, Jones, and Lamkin '021.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 10 and 11 under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones, Lamkin '021, and Collart be withdrawn.

Rejection 3

Claims 14, 15, 17-21, 25, and 28-38 have been rejected under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones. The rejection of claims 19, 34, 37, and 38 is moot since these claims have been canceled in this paper. The rejection of claims 14, 15, 17, 18, 20, 21, 25, 28-33, 35, and 36 is respectfully traversed.

Claims 14, 25, 32, and 35

It is submitted that Kanazawa and Jones do not disclose or suggest the following features now recited in independent claim 14:

the buffer manager uses the API to generate a return value in response to the report signal, the return value having a first value if the markup document has been successfully preloaded into the buffer, a second value if the markup document cannot be read due to an error, and a third value if the markup document is being read; and

the apparatus uses the return value to verify whether the markup document has been successfully preloaded into the buffer, whether the markup document cannot be read due to an error, and whether the markup document is being read,

or the following feature now recited in independent claim 25:

generating a return value in response to the report signal using the API, the return value having a first value if the markup document has been successfully preloaded into the buffer, a second value if the markup document cannot be read due to an error, and a third value if the markup document is being read,

or the following feature now recited in independent claims 32 and 35:

generating a return value in response to the report signal, the return value having a first value if the markup document has been successfully preloaded, a second value if the markup document cannot be read due to an error, and a third value if the markup document is being read,

for at least the same reasons discussed above that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the similar feature now recited in claim 1.

Conclusion—Rejection 3

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 14, 15, 17, 18, 20, 21, 25, 28-33, 35, and 36 (i.e., claims 14, 25, 32, and 35 discussed above and claims 15, 17, 18, 20, 21, 28-31, 33, and 36 depending directly or indirectly from claims 14, 25, 32, and 35) under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones be withdrawn.

Rejection 4

Claims 22 and 23 have been rejected under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones and Collart. This rejection is respectfully traversed.

Claim 22

Although the propriety of this rejection is not conceded, it is submitted that claim 22 depending from claim 14 is patentable over Kanazawa, Jones, and Collart for at least the same reasons discussed above that claim 14 is patentable over Kanazawa and Jones.

Claim 23

It is submitted that Kanazawa, Jones, and Collart do not disclose or suggest the following features now recited in independent claim 23 for at least the same reasons discussed above that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the similar features now recited in claim 1:

the ENAV engine uses the API to generate a return value in response to the report signal, the return value having a first value if the markup document has been successfully preloaded into the buffer, a second value if the markup document cannot be read due to an error, and a third value if the markup document is being read; and

the ENAV engine uses the return value to verify whether the markup document has been successfully preloaded into the ENAV buffer, whether the markup document cannot be read due to an error, and whether the markup document is being read.

Conclusion—Rejection 4

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 22 and 23 under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones and Collart be withdrawn.

Rejection 5

Claim 24 has been rejected under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones, Collart, and Silberschatz (Applied Operating System Concepts, First Edition, John Wiley & Sons, New York, 2000, pp, 65-66 and 412-431). This rejection is respectfully traversed.

Although the propriety of the rejection is not conceded, it is submitted that claim 24 depending from claim 23 is patentable over Kanazawa, Jones, Collart, and Silberschatz for at least the same reasons discussed above that claim 23 is patentable over Kanazawa, Jones, and Collart.

For at least the foregoing reasons, it is respectfully requested that the rejection of claim 24 under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones, Collart, and Silberschatz be withdrawn.

Patentability of New Claims 39-44

It is submitted that Kanazawa, Jones, Lamkin '021, Collart, and Silberschatz do not disclose or suggest the following feature recited in new dependent claim 39:

wherein the error is an error caused by a physical error of the non-transitory computer-readable storage medium,

or the following feature recited in new dependent claims 40 and 42-44:

wherein if the markup document is being preloaded from a data storage medium, the error is an error caused by a physical defect of the data storage medium; and

if the markup document is being preloaded from a network, the error is caused by a connection disruption of the network,

or the following feature recited in new dependent claim 41:

wherein if the I/O manager is obtaining the markup document from a data storage medium, the error is an error caused by a physical defect of the data storage medium; and

if the I/O manager is obtaining the markup document from a network, the error is caused by a connection disruption of the network.

It is submitted that the above features are supported at least by paragraph [0094] of the specification.

The Office states as follows in the Advisory Action of October 20, 2010, with respect to Jones:

As to argument (4), it is noted that the claims do not define the specific types of errors. When the preloader is interrupted during the preloading process and the incomplete file is discarded, the preloading process fails. Examiner interprets the failure to properly execute a process to be an error.

However, it is submitted that these statements by the Office are not applicable to new claims 39-44 because these claims do define the specific types of errors, and it is submitted that Kanazawa, Jones, Lamkin '021, Collart, and Silberschatz do not disclose or suggest the specific types of errors recited in new claims 39-44.

For at least the foregoing reasons, it is submitted that new claims 39-44 are patentable over Kanazawa, Jones, Lamkin '021, Collart, and Silberschatz, and an indication to that effect is respectfully requested.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Office is requested to telephone the undersigned to attend to these matters.

Please charge any fees under 37 CFR 1.16 and 1.17 that may be required for this paper only to Deposit Account 50-5113 in the name of North Star Intellectual Property Law, PC. However, as discussed on pages 1 and 13 of this paper, no additional claim fee is required to file this Amendment Accompanying Request for Continued Examination.

Respectfully submitted,

Date: November 3, 2010

By: /Randall S. Svihla/
Randall S. Svihla
Registration No. 56,273

NSIP Law
1156 15th Street NW, Suite 603
Washington, DC 20005
Tel: (202) 429-0020
Fax: (202) 315-3758
CYP/RSS

Attachments